UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS VICTORIA DIVISION

THOMAS L. LEE; PAULA LEE, §	
§	
Plaintiffs, §	
§	
v. §	Case No. 6:20-CV-00074
§	
U.S. BANK N.A., NOT IN ITS §	
INDIVIDUAL CAPACITY, BUT §	
SOLELY AS TRUSTEE OF NRZ §	
PASS-THROUGH TRUST X, §	
§	
Defendant. §	

U.S. BANK N.A., NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE OF NRZ PASS-THROUGH TRUST X'S MOTION TO STAY PENDING DEADLINES AND SETTINGS

Defendant U.S. Bank N.A., not in its individual capacity, but solely as Trustee of NRZ Pass-Through Trust X ("U.S. Bank") files this *Motion to Stay Pending Deadlines and Settings*, and respectfully shows the Court:

I. FACTS

This suit was initiated by Plaintiffs on September 30, 2020, and was removed to this Court by U.S. Bank on December 29, 2020. Doc. No. 1. U.S. Bank proceeded to file its *Motion to Dismiss* ("MTD") on December 29, 2020, which was denied by the Court on December 2, 2021 when the Court granted Plaintiffs leave to file an amended complaint. Doc. No. 2, 30. Plaintiffs filed their *Amended Complaint* on December 14, 2021. Doc. No. 31. U.S. Bank then filed its *Motion to Dismiss* on December 21, 2021. Doc. No. 32.

II. ARGUMENTS AND AUTHORITIES

Presently before the Court is U.S. Bank's *Motion to Dismiss*. U.S. Bank is of the opinion that the *Motion to Dismiss* will resolve all matters before the Court as Plaintiffs have failed to state a claim upon which relief can be granted. Therefore, a stay of all deadlines and settings pending a ruling on the *Motion to Dismiss* will promote judicial economy and preserve the Court and the parties' resources until the Court is able to address the *Motion to Dismiss*.

Furthermore, this matter is currently set for trial docket call on March 3, 2022. The deadline to conduct discovery expired on December 1, 2021, prior to the Court's order granting Plaintiffs leave to file an amended complaint. Should the Court not grant the pending *Motion to Dismiss*, U.S. Bank requests the opportunity to have sufficient time to conduct discovery and file a motion for summary judgment based on said discovery. Therefore, U.S. Bank requests that should the Court deny the pending *Motion to Dismiss* a new scheduling order be issued.

III. CONCLUSION

U.S. Bank respectfully requests that the Court grant this motion and stay all pending deadlines and settings until the Court addresses both the pending *Motion to Dismiss*. U.S. Bank additionally requests that should the Court deny the pending *Motion to Dismiss* the Court issue a new scheduling order, and that the Court grant all other and further relief in law or in equity to which it may be entitled.

Dated: January 4, 2022

Respectfully Submitted, McCarthy & Holthus, LLP

/s/ Brandon Hakari

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ATTORNEYS FOR DEFENDANT U.S. BANK N.A., NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE OF NRZ PASS-THROUGH TRUST X

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Plaintiffs regarding the relief requested

in this motion on December 29, 2021. On December 31, 2021, a response was received

stating "We do not consent to anything you wish to do that impedes any rights held

for due process, fair and equal treatment under color of law. See Texas House Bill

996". Based on this response it is unclear if Plaintiffs are opposed to the relief

requested in this motion or not.

<u>/s/ Brandon Hakari</u>

Brandon Hakari

CERTIFICATE OF SERVICE

I hereby certify that I submitted the foregoing to the clerk of the United States

District Court, Southern District of Texas using the electronic case filing system of

the Court, and that I served all parties of record listed below in accordance with

Federal Rule of Civil Procedure 5(b)(2) on January 4, 2022.

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PLAINTIFF PRO SE

via CMRRR

via CMRRR

/s/ Brandon Hakari

Brandon Hakari